

REMARKS

Claims 1-4 and 13-16 are pending in the present application. Claims 1 and 13 are herein amended. Support for the amendments is detailed below. Applicants' undersigned representative thanks Examiner Farahani for the courtesies extended during the telephone interview of June 14, 2007. Applicants' separate record of the substance of the interview is included in the remarks below.

Applicants' Response to the Rejection of Claims 1-4 under 35 U.S.C. 102 or 103

Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated, or in the alternative, under 35 U.S.C. 103(a) as obvious over Kepler *et al.* Claims 13 and 14 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kepler et al. (U.S. Patent No. 6,037,671). In response thereto, applicants have amended claims 1 and 13 to more distinctly claim the subject matter regarded as the invention. Specifically, applicants have included the feature that all of the alignment marks formed in the entire alignment mark area have the same shape so as to generate about the same field image alignment signal.

Keplar does not teach this limitation as the reference requires an alignment mark having at least two optically distinguishable alignment patterns within the overall alignment structure. Kepler requires a dummy topographical area 24 which must be optically distinguishable from the global alignment marks 22, 23. See Col. 4, lines 52-67. Hence, Kepler requires at least two distinct patterns between the dummy topographical area 24 and the global alignment marks 22, 23. As noted in the course of the interview, Fig. 3 of Kepler teaches that variable patterns 24, 24a and 24b are used in the peripherally surrounding area of the alignment mark structure.

Contrary, applicants' invention as set forth in amended claims 1 and 13 does not require an optically distinguishable pattern on the periphery or abutting the global alignment mark. Each of the alignment marks 52, within the entire alignment portion detected by the alignment sensor, have the same shape and configuration so as to generate a uniform FIA signal. See page 8, line 25 to page 9, line 8. See also page 19, lines 8-19 and page 21 and Fig. 7. Therefore, amended claims 1 and 13 are distinguished from Kepler because all the alignment marks within the entire alignment portion detected by the alignment sensor are shaped uniformly.

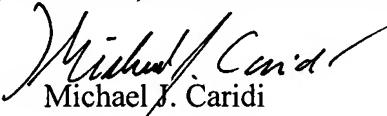
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Michael J. Caridi
Attorney for Applicants
Registration No. 56,171
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

MJC/mra/af